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3
4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

6 * * *

7 JOHN H. ROSKY,

Case No. 3:16-cv-00156-MMD-VPC

8 Petitioner,

9 v.

ORDER

10 QUENTIN BYRNE, *et al.*,

11 Respondents.

12 Before the Court is petitioner's urgent motion pursuant to 28 U.S.C. § 2250. (ECF
13 No. 47.) Respondents have not opposed, and the time for doing so has expired.

14 On January 19, 2018, the Court ordered petitioner to provide it with a copy of the
15 audio recording he relies on for his gateway claim of actual innocence. (ECF No. 42.) In
16 his urgent motion, petitioner claims that he does not have possession of the relevant
17 audio tapes. However, because the tapes were marked as exhibits during his state
18 postconviction habeas hearing, he seeks an order directing the Custodian of Records of
19 the Second Judicial District Court to send the tapes to this Court. (See ECF No. 47; Exh.
20 248 (Tr. 3).)

21 Petitioner's motion (ECF No. 47) is granted in part. Within fifteen (15) days of the
22 date of this order, respondents will file as a manual exhibit a copy of the audio cassette
23 recordings marked as Exhibits 24 and 25 during petitioner's state postconviction
24 evidentiary hearing.

25 DATED THIS 21st day of February 2018.

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28 MIRANDA M. DU
UNITED STATES DISTRICT JUDGE